IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2002

CORAM
V.S.SIRPURKAR, J.
And
K.RAVIRAJA PANDIAN, J.

TAX CASE NO.1030 OF 1988 AND TAX CASE NO.165 OF 1989

: ORDER
(Order of the Court was made by V.S.SIRPURKAR, J.)

Learned Senior Counsel Mr.R.Venkataraman moves us for speaking to the minutes as, while disposing of T.C.No.1030 of 1988, though the question regarding the disallowance of the interest payment amounting to Rs.8,412/- has cropped up by way of a second questio specifically answered that question while deciding the matter. Learned counsel pointed that in fact, at the time of arguments for Revenue had specifically made a statement that the second question stood covered by Supreme Court decisions in favour of the assessee. Learned counsel further pointed out that a refe question, however, has not been answered by us specifically.

2. On going through the judgment, we find that the contention is correct. Learned counsel for the department also concurs with the learned Senior Counsel. We, therefore, deem it necessary to add the following sentences to our judgment after the words "arguing the second question" and before the beginning of the sentence "We are, therefore" in Page No.2.
V.S.SIRPURKAR, J.
AND
K.RAVIRAJA PANDIAN, J.

" ..as the question was covered in his favour by the Supreme Court judgment in Brij Mohan Das Laxman Das v. Commissioner of Income Tax (22 3 ITR 825), confirmed in Suwalal Anandilal Jain v. Commissioner of Income Tax (224 ITR 753) and also subsequently confirmed in Commissioner of Income Tax v. Kanji Shivji and Co. (242 ITR 124). Learned counsel for the Revenue also agreed that the question was concluded by these judgments and it had to be answered in favour of the assessee. It is accordingly answered in favour of the assessee."

(V.S.S, J.) (K.R.P, J.)
11-02-2002

kst.

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